

# **HOW TO USE THE SMALL CLAIMS COURT**

## **Missouri Statutes-Chapter 482**

**The Small Claims Court was established  
to help people handle claims of \$5,000  
or less with or without an attorney**

**Boone County Circuit Court  
Small Claims Division  
Boone County Courthouse  
705 E. Walnut  
Columbia, Missouri 65201-4486**

**Telephone Number  
(573) 886-4006  
Fax Number  
(573) 886-4044**

**Secretary of State Info Number for Registered Agent (573) 751-4153  
[www.sos.mo.gov](http://www.sos.mo.gov)**

## FOR THE PLAINTIFF

### DO YOU NEED TO BRING YOUR PROBLEM TO COURT?

Before you decide to sue someone for money you believe is owed to you, there are several things to consider. First, have you tried to settle your problem? There are many alternatives to going to court. You should confront the person you believe owes you the money, and request he/she pay. This can be done in person, over the telephone or by writing a letter (if you write a letter, keep a copy for yourself.) Also, there are many consumer protection agencies which can be of service to you such as the Better Business Bureau in your area. If you can settle your problem, it may be faster, easier, and cheaper than going to court. You have nothing to lose by trying. If you cannot settle the problem, the court is available to hear your claim.

Second, you must decide, if you think you are able to protect and defend your own interest. Ask yourself such questions as: Can I explain my problem and make myself understood? Does the person I want to sue have a claim for money against me? (If the answer to this last question is "yes", remember that the other side has a right to tell the Court about it and have the Judge decide who is owed what). If you feel you need a lawyer, you may bring one.

Finally, if you do bring suit and you do win, will you be able to collect any money? Read the section on COLLECTING. You might be able to save yourself time and money.

No claim may be filed or prosecuted in a Small Claims Court by a party who is an assignee of the claim, or has filed more than 12 other claims in the Missouri Small Claims Court during the current calendar year. A Counterclaim not arising out of the same transaction or occurrence as plaintiff's claim shall be counted as a "claim".

## PREPARING YOUR CLAIM

The first thing to do is correctly state the name and address of the person or corporation you wish to sue. If you are suing a corporation, you should give the name of the agent or officer you want served with the summons.

You must decide where to sue. Claims may be filed in a county in which at least one defendant resides, or in which at least one of the plaintiffs resides and at least one defendant may be found, or in a county in which the facts giving rise to the small claim occurred. Claims against corporations shall be filed in the county where the corporation has an officer or agent.

State your claim as simply and as precisely as possible on the form provided by the Clerk of the Small Claims Court, you will need to provide county where person can be served.

Now all you have to do is pay the filing fee (cash, money order or cashier's check) and the cost of serving the summons on the defendant.

### Required Fees:

\$20.00 per Claim

PLUS SERVICE FEE, PER DEFENDANT:

Service by certified mail, restricted delivery- \$11.05

Service by Boone County Sheriff- \$30.00 + mileage

Service by sheriff out of Boone County-contact sheriff's

Dept. of county where service should be obtained.

### THE FILING FEE MUST BE PAID

AT THE TIME YOU FILE YOUR PETITION.

### PAYMENT METHODS:

CASH, CASHIER'S CHECK, MONEY ORDER,

DEBIT & CREDIT CARDS,

(FOR EACH ADD A SURCHARGE OF \$2.00

FOR UNDER \$50 AND 4% FOR OVER \$50)

( NO PERSONAL CHECKS )

After you have filed your claim, the Court will issue a summons to the person you have sued. This summons will state the date and time he/she is to come to court and a copy of the Petition stating the reason why he/she is being sued. As you choose, the summons will be sent for personal service by Sheriff or by certified mail. Next, you must be in court on the date set ready to present your claim.

## **PREPARING FOR COURT**

(a) Get together everything you need - books, papers, documents, and/or cancelled checks. Put them into the order that you need for presentation to the Court.

(b) Make sure all the witnesses who are necessary for you to present your case are in the courtroom on time. If you have a witness who does not want to come to court, you have the right to "subpoena" him/her. Subpoena is a legal method to require his presence. The Clerk of the Small Claims Court will give you the subpoena. It must be personally served on the witness. This must be done before your court date, and fees must be advanced. You can serve the witness yourself. You must show on white copy of subpoena where and when the witness was served, and give party subpoenaed yellow copy.

(c) On the day you were told your claim would be heard, **BE THERE**. If you are not there, your case will be dismissed.

When it is time for your case to be heard, you should present your case in an orderly manner. Try to keep all the facts in order and show the Judge any letters or other documents which help you support your claim. Don't get confused, don't get rushed. It might be a good idea to practice your presentation the night before.

## **FOR THE DEFENDANT**

### **IF YOU ARE BEING SUED:**

If you have received a summons, **DO NOT THROW IT AWAY, KEEP IT AND BRING IT TO COURT**. If you do not appear on the day and time stated in the summons, **A JUDGMENT MAY BE TAKEN AGAINST YOU**.

If you do not agree that you owe the money, prepare to go to court and present your side of the story. Bring with you all necessary papers and any witnesses you might need. If your witnesses do not want to come to court, you may ask the Clerk for a subpoena to force the witness to appear. Subpoena fees must be advanced.

Practice your presentation before you come to court.

If you feel you need a lawyer, you may bring one.

## **OUT OF COURT SETTLEMENTS**

If the parties are able to settle the matter out of court, you may do so. If you settle out of Court, the Plaintiff must notify the Clerk of Small Claims Court. A written dismissal will be needed to dismiss the case. **BE SURE TO INCLUDE THE COURT COSTS IN AN OUT-OF-COURT SETTLEMENT**. Costs are not refundable if the case does not go to court.

## **HOW TO FILE A COUNTERCLAIM**

If you think you have a claim against the person who sues you, the law gives you a right to counter sue him/her. Some counterclaims must be filed with the Court within ten days after you receive notice that the plaintiff has sued you, and others may be brought at any time up to and including the time of hearing.

(a) If your claim does not arise out of the same transaction or occurrence as the plaintiff's claim, then:

Within ten days after you receive your summons, you may appear before the Clerk of the Small Claims Court and file your counterclaim on forms provided by the Clerk.

(b) If your claim arose from the same transaction or occurrence as plaintiff's claim, you may appear before the Clerk of the Small Claims Court and file your counterclaim on forms provided by the Clerk, or you may raise your counterclaim at the hearing.

#### **FOR BOTH PARTIES**

#### **TRIAL DE NOVO (APPEAL)**

If you do not like the Court's decision, you have only ten days to file your application for Trial De Novo. The forms may be obtained from the Clerk of the Small Claims Court. Ask the Clerk for assistance. Costs are \$45.

**NO PERSONAL CHECKS ACCEPTED**

#### **COLLECTING**

The court is not responsible for helping you collect your judgment. Collection procedure would be as follows: After waiting 10 days from date of judgment, it is time to start collecting if the Judge has decided in your favor, and if the losing party has not filed for a Trial De Novo and posted a bond.

There are several ways to collect your judgment. You may be able to get the losing party to pay you voluntarily either all at one time or in installments. If he/she will not pay you voluntarily, you may start collection proceedings on forms provided by the Clerk of the Small Claims Court. This is done by attaching assets of the losing party. Again, ask the Clerk for assistance. The filing fee for execution/garnishment for Boone County is \$30 plus mileage.

#### **SATISFACTION OF JUDGMENT**

Once the judgment has been paid in full, the winning party must file a Satisfaction of Judgment with the Court to show the judgment has been paid in full.